

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN DOE

Plaintiff,

v

Case No. 1:20-cv-1002-JG

HON. JAMES S. GWIN

JANE DOE,

Defendant.

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Attorney for Plaintiff

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Attorney for Defendant

AMENDED NOTICE OF REMOVAL

On May 8, 2020, Defendant Jane Doe filed a Notice of Removal (ECF No. 1) pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. Defendant Jane Doe removed this civil action from the Court of Common Pleas, Lorain County, Ohio, pending as Case No. 20CV200826 (the “State Court Action”), to the United States District Court for the Northern District of Ohio. Jane Doe removed the State Court Action on the basis of diversity jurisdiction as provided in 28 U.S.C. § § 1332 and 1441, due to the fact that the Plaintiff is a citizen of Georgia and the Defendant is a citizen of California.

I. Introduction

1. The State Court Action was commenced on March 12, 2020 by Plaintiff – a citizen of Georgia – filing a Complaint for injunctive relief and money damages (the “Complaint”) against the Defendant – a citizen of California.

2. At the time of filing the Notice of Removal, Defendant had not been served with the Complaint, nor any other pleading filed in the state court action. As of today’s date, Jane Doe still has not been served with any other pleadings filed in the state court action.

3. A copy of the Complaint was obtained by Defendant’s counsel from the Court of Common Pleas in Lorain County and is attached to this Notice as Exhibit 1.

4. After filing the notice of removal, Defendant’s counsel was able to obtain several additional documents filed in this action in the Lorain County Court of Common Pleas, including Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction; Plaintiff’s Ex-Parte Motion to Proceed Under a Pseudonym/Motion to Restrict Access to Court Record and Case Documents and/or Motion to File Verified Complaint and All Case Documents Bearing the Parties’ Identifying Information Under Seal; Plaintiff’s March 13th Motion to Appoint Process Server; Judgment Entry granting Plaintiff’s Ex-Parte Motion to Proceed under a Pseudonym; Judgement Entry granting Plaintiff’s Motion to Appoint Process Server, and Notices of Hearing on Plaintiff’s Motion for Preliminary Injunction. These documents are Attached at Ex. 2.¹

5. Pursuant to 28 U.S.C. § 1446(d), a copy of the original Notice of Removal (ECF No. 1) was filed with the Clerk of the Court of Common Pleas, Lorain County, Ohio, and written

¹ There are several documents identified on the Register of Actions in connection with case no. 20CV200826 that Defendant’s counsel was unable to obtain from the Lorain County Court of Common Pleas (*See* register of actions at Ex. 3; emails to Lorain County Court of Common Pleas clerk, at Ex. 4). Defendant’s counsel still has not been served with these documents by Plaintiff.

notice, including a copy of this Amended Notice of Removal, is being provided to Plaintiff's counsel.

6. No admission of fact, law, liability, or damages is made or intended by this Notice of Removal, and all defenses, objections, and motions are hereby reserved.

II. This Court has Original Jurisdiction over Plaintiff's Claims so that the Entire State Court Action May Be Removed.

7. This Court will have original jurisdiction over Plaintiff's claims upon removal because Plaintiff is a citizen of Georgia and Defendant is a citizen of California and the amount in controversy exceeds \$75,000.

8. As a result, Plaintiff's claims are removable under 28 U.S.C. § § 1332 and 1441.

III. Conclusion

WHEREFORE, Defendant removes this action from the Court of Common Pleas, Lorain County, Ohio.

Respectfully submitted,
SALVATORE PRESCOTT
PORTER & PORTER, PLLC

Dated: May 15, 2020

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CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2020 the foregoing document, Amended Notice of Removal and this Certificate of Service were served upon all counsel of record via the Court's ECF system which will electronically serve all counsel of record at their respective email addresses as captioned on the pleadings of record.

Dated: May 15, 2020

/s/ Jennifer B. Salvatore

Jennifer B. Salvatore (P66640)

Attorney for Defendant Jane Doe